

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

CHRISTOPHER JOHNSON,

Plaintiff,

v.

Case No.: 2:19-cv-639-38MRM

AVE MARIA SCHOOL OF LAW and
TOM MONAGHAN,

Defendants.

ORDER¹

Before the Court is United States Magistrate Judge Mac R. McCoy's Report and Recommendation. ([Doc. 9](#)). Judge McCoy recommends denying *pro se* Plaintiff Christopher Johnson's Application to Proceed in District Court Without Prepaying Fees or Costs ([Doc. 7](#)) under [28 U.S.C. § 1915](#) and [M.D. Fla. R. 4.07](#) and dismissing without prejudice this action. Neither party objects to the Report and Recommendation, and the time to do so has expired.

A district judge "may accept, reject, or modify in whole or in part, the findings or recommendations made by the magistrate judge." [28 U.S.C. § 636\(b\)\(1\)](#). The district judge "shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." *Id.* And "[t]he judge

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may also receive further evidence or recommit the matter to the magistrate judge with instructions.” *Id.*

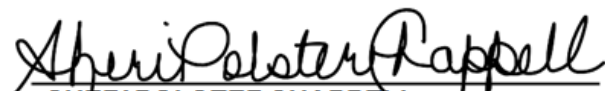
After examining the file independently, and upon considering Judge McCoy’s findings and recommendations, the Court accepts and adopts the Report and Recommendation.

Accordingly, it is now

ORDERED:

1. The Report and Recommendation ([Doc. 9](#)) is **ACCEPTED** and **ADOPTED** and the findings incorporated herein.
2. The Application to Proceed in District Court Without Prepaying Fees or Costs ([Doc. 7](#)) is **DENIED**.
3. The Amended Complaint ([Doc. 6](#)) is **DISMISSED without prejudice**.
4. The Clerk is **DIRECTED** to enter judgment, terminate any deadlines, and close the file.

DONE and ORDERED in Fort Myers, Florida on this 13th day of April 2020.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All parties of record